



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Steve Stockman

Friends of Congressman Steve Stockman

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MUR 6625

**STATEMENT OF REASONS OF VICE CHAIR CAROLINE C. HUNTER
AND COMMISSIONER MATTHEW S. PETERSEN**

This matter was generated following a complaint alleging that Representative Steve Stockman, and his 2012 principal campaign committee, Friends of Congressman Steve Stockman and its then-treasurer acting in his official capacity (the "Committee"), violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by failing to place sufficient disclaimers on ten printed communications.

We supported the recommendations of the Office of the General Counsel that the Commission find no reason to believe that Stockman violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11 and close the file as to him, and dismiss the allegations against the Committee with respect to seven of the communications pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985). We voted against finding reason to believe that the Committee violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11 with respect to the remaining three communications and to dismiss the matter for the reasons provided below.

Two of the communications — identifying themselves as *Times Free Press* — bore disclaimers stating, "Paid for by Friends of Steve Stockman."¹ Although the disclaimers were not in a printed box, they were printed with a reasonable degree of color contrast between themselves and the backgrounds on which they appeared and in sufficient type size to be clearly readable by recipients.² The third communication — identifying itself as *The Southeast Texas Courier* — did not contain a disclaimer, but its front page included a return address that the Complaint identified as the Committee's principal address, and its back page bore the name "Steve Stockman" in very large font; between these two pages, the communication supported Stockman's re-election campaign.³ These factors should have been sufficient to give readers

¹ Complaint (Aug. 6, 2012), Ex. 2 at 12, Ex. 3 at 12.

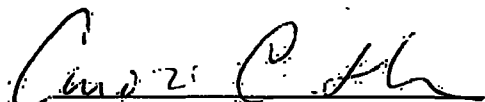
² See 11 C.F.R. § 110.11(c)(2).

³ Complaint, Ex. 1.

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adequate notice that the Committee had paid for the communication, and thus any informational harm to the public would have been minimal. Moreover, given that nine of the ten communications identified in the Complaint contained a disclaimer, pursuing an investigation against the Committee for this single communication would not have been an efficient use of Commission resources. To the extent that the communications reflected a lack of familiarity with the disclaimer provisions of the Act and Commission regulations, a reminder notification was the appropriate remedy. Accordingly, we voted to exercise the Commission's prosecutorial discretion to dismiss this matter pursuant to *Heckler v. Chaney* and to send a reminder letter to the respondents setting forth the disclaimer requirements.

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Caroline C. Hunter
Vice Chair

2/28/17
Date


Matthew S. Petersen
Commissioner

FEB. 28, 2017
Date

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